

Miscellaneous Docket No. 23-100

IN THE
United States Court of Appeals for the Federal Circuit

IN RE APPLE INC.,

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Western District of Texas
No. 6:21-cv-00984-ADA, Hon. Alan D Albright

**PETITIONER’S UNOPPOSED MOTION TO DISMISS AS MOOT
APPLE INC.’S PETITION FOR WRIT OF MANDAMUS**

Pursuant to Federal Rule of Appellate Procedure 42(b), Petitioner Apple Inc. (“Apple”), respectfully requests that this court dismiss Apple’s Petition for Writ of Mandamus filed on October 17, 2022 (the “Petition”). Counsel for Apple has conferred with counsel for Respondent Jawbone Innovations, LLC (“Jawbone”), who indicates it does not oppose this motion.

The Petition sought an order from this Court directing the district court to vacate its scheduling order, rule on Apple’s pending transfer motion, and stay all proceedings on the merits until transfer has been resolved. On November 8, 2022, in response to this Court’s precedential order in *In re Apple Inc.*, No. 22-162 (Fed. Cir. Nov. 8, 2022), the district

court vacated the scheduling order and stayed all proceedings pending resolution of the motion for transfer. *See Order, Jawbone Innovations, LLC v. Apple Inc.*, No. 6:21-cv-00984-ADA (W.D. Tex. Nov. 8, 2022). As a result of the district court's order, the Petition is now moot.

Therefore, Apple respectfully requests that the Court dismiss the Petition.

November 9, 2022

Respectfully submitted,

/s/ *Melanie L. Bostwick*

Melanie L. Bostwick

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Counsel for Petitioner

FORM 9. Certificate of Interest

Form 9 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 23-100

Short Case Caption In re Apple Inc.

Filing Party/Entity Apple Inc.

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 11/09/2022

Signature: /s/ Melanie L. Bostwick

Name: Melanie L. Bostwick

FORM 9. Certificate of Interest

Form 9 (p. 2)
July 2020

[illegible]

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
July 2020

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable

☐ Additional pages attached

Kelly Hart & Hallman LLP	J. Stephen Ravel	Ricardo J. Bonilla
Katherine D. Prescott	Jeanel Sunga	Daniel R. Gopenko
Qiuyi Wu		

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

☒ None/Not Applicable

☐ Additional pages attached

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable

☐ Additional pages attached

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A). The motion is printed in Century Schoolbook 14-point font, and it contains 166 words, excluding the items listed in Federal Rule of Appellate Procedure 27(a)(2)(B).

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ *Melanie L. Bostwick*

Melanie L. Bostwick

Counsel for Petitioner